III. REMARKS

The Examiner is thanked for extending the courtesy of telephone interview on December 14, 2004 during which it was determined that the requirement for section headings is for the entire specification. This has been done. Thus the specification is no longer objectionable.

New claim 27 corresponds to allowable claim 16 in independent form and is therefore allowable.

It is respectfully submitted that the Examiner's interpretation disclosed in item 4 "the specification does describe a procedure of selecting the number of bursts in a data block" is incorrect, especially when taken apart from the proper context, i.e., "radio frame sequence". In reality, it's a question of "the number of bursts per data block", i.e., how many bursts have to be used for sending a data block, and NOT of how many bursts are inserted in a single time slot or the data block itself. (see below)

Claim 1 has been amended to clarify this. Thus the rejection of claims 1-18 under 35 USC 112, 1st paragraph should be withdrawn.

Claim 1 has been amended to positively recite the steps. Thus the rejection of claims 1-18 under 35 USC 112, 2nd paragraph, should be withdrawn.

Comment will now be made about the following issues:

1. Applicant admitted prior art and radio blocks:

The description of the current application, e.g., page 4,rows 8-> says: (paraphrasing) "radio burst lasts the duration of the time slot...number of sequential bursts in a certain time slot forms a radio block" tells all necessary details. In other words a total of x bursts of a very same time slot (same time slot = in practise the time slots in consecutive frames with the same "serial number") in subsequent radio frames (unequal to radio blocks) form a radio block. Based on figure 3 both the subject matter and the terminology used should be clear to the reader/interpreter of the description and claims, especially when the terminology used as such is not contradictory to the established practise. lime slots 303a, 303b, 303c, 303d (total of four time slots corresponding to four bursts) included in four consecutive frames form a single radio block.

2. Applicant admitted prior art vs. Scheibel

In addition, "It is also possible that a packet data channel uses also other time slots than just one certain time slot in each frame" expression in the description relates to the applicant admitted prior art but it also unintentionally relates to the solution of Scheibel. Parallel (applicant admitted prior art and Scheibel) and modified serial (current invention) burst/time slot allocation differ from each other with their own advantages and drawbacks.

3. Current invention and data blocks:

The current invention is about allocating bursts for transmitting data on a packet data channel as set out by the claims, whereas the applicant admitted prior art was used in more coarse radio

block type multiplexing (with some other differences as well) with some parallelism and Scheibel was about using multiple, parallel time slots within one radio frame.

It's further obvious that in the current application "data block" is a data entity related to a packet data connection (see the claims "identifier in each data block.., indicate the connection to which the data block is related"), data block being, e.g., RLC or RLC/MAC block. See, for example, page 5, row 21, and page 11, row 34, of the description. It's CERTAINLY NOT a TDMA frame as the TOMA frame always includes multiple time slots (btw. see rejection 13 and "arguments" therein) and because of that, also multiple packet channels.

Yet, "a certain time slot" refers clearly to a single slot albeit the examiner says the contrary in item 13. It's noted though that as reference numeral 602 of figure 8 includes "select the number of bursts per data block" and because the examiner erroneously contends that data block of the current invention equals to a TDMA frame, Scheibel can erroneously be seen as a kind of prior art to the current invention.

In Scheibel it is selected "bursts in a frame" thus referring to "time slots in a frame" whereas the current invention's solution is based on "bursts in a certain (single!) time slot in a certain sequence of frames". A frame comprises multiple time slots and a sequence of frames refers to a plurality of adjacent frames. A person skilled in the art certainly knows that.

On page 8 of the current application it is mentioned how the number of bursts to transmit a data block can be selected (even dynamically) in accordance with the Invention. On the other hand

original claim 1 already states that:

"a data block relates to a packet data connection"
"packet data channel used by a number of packet data connections"
"packet data channel formed by sequential bursts in a certain time slot in a certain sequence of radio frames"

In the light of the above and the whole description it is clear that "selecting the number of bursts for sending a data block in a same/certain time slot in said certain sequence of frames" is one of the invention's most important features and clearly explained in the description.

The independent claims have been amended so that they implicitly tell the reader that "data block relates to a packet data connection", "packet data channel used by the packet data connection", and "packet data channel formed by one slot with one burst in sequence of frames". Therefore scattering a data block between different bursts in different time slots within a single radio frame is not possible under the scope of the present claim, unlike in Scheibel.

At the same time, "TDMA frame=datablock" interpretation is just not possible anymore as one shall, in order to transmit a data block, select the number of bursts from a group of alternatives, whereby due to the utilization of a "certain time slot over the whole frame sequence defined by the packet data channel" principle, the single time slot also relating to a single burst in a frame, the transmission is spread over a number of frames, but only to a certain time slot in those so that the data block IS (never ever) NOT equal to a TDMA frame that always comprises a plurality of time slots.

Since these features are not in Schiebel, the rejection of claims 1-11, 13, 15, 19-21 and 23-25 under 35 USC 102 on Schiebel should be withdrawn.

Further, since the above features are not suggested by Scheibel, these claims are unobvious over it.

Still further, since Padiruirsch, Barker and Persson fail to disclose the above features, claims 12, 14, 22 and 26 are also unobvious.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Please charge the amount of $1,270.00 for a 3 month extension of time and extra claims fees to Deposit Account 16-1350. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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Dec 27, 2004
Date

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